

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1635

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.172-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
  - (A) use of dogs trained to detect drugs and illegal substances; and
  - (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans.
- (5) Provide educational outreach and training to school personnel concerning:
  - (A) the identification of;
  - (B) the prevention of; and
  - (C) intervention in; bullying.
- (6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers

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concerning:

- (A) the identification of;
- (B) the prevention of; and
- (C) intervention in;

criminal gang activities.

**(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:**

- (A) alternatives to suspension and expulsion; and**
- (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.**

(b) The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

- (1) A grant for a safety plan.
- (2) A safe haven grant requested under section 10 of this chapter.
- (3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.246-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. **(a)** The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) **and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.**
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
  - (A) ~~ISTEP program test scores.~~ **All state standardized assessment scores.**
  - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
  - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.



**(6) The school's performance category or designation of school improvement assigned under IC 20-31-8.**

~~(6)~~ **(7)** The number and percentage of students in the following groups or programs:

- (A) Alternative education, if offered.
- (B) Career and technical education.
- (C) Special education.
- (D) High ability.
- (E) Remediation.
- (F) Limited English language proficiency.
- (G) Students receiving free or reduced price lunch under the national school lunch program.
- (H) School flex program, if offered.

~~(7)~~ **(8)** Advanced placement, including the following:

- (A) For advanced placement tests, the percentage of students:
  - (i) scoring three (3), four (4), and five (5); and
  - (ii) taking the test.
- (B) For the Scholastic Aptitude Test:
  - (i) test scores for all students taking the test;
  - (ii) test scores for students completing the academic honors diploma program; and
  - (iii) the percentage of students taking the test.

~~(8)~~ **(9)** Course completion, including the number and percentage of students completing the following programs:

- (A) Academic honors diploma.
- (B) Core 40 curriculum.
- (C) Career and technical programs.

~~(9)~~ **(10)** The percentage of grade 8 students enrolled in algebra I.

~~(10)~~ **The percentage of graduates who pursue higher education.**

**(11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.**

~~(11)~~ **(12)** School safety, including:

- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
- (B) the number of incidents reported under IC 20-33-9; and
- (C) the number of bullying incidents reported under IC 20-34-6 by category.

~~(12)~~ **(13)** Financial information and various school cost factors, including the following:

- (A) Expenditures per pupil.
- (B) Average teacher salary.
- (C) Remediation funding.



~~(13) Technology accessibility and use of technology in instruction.~~

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, **including the percentage of students expelled by race, grade, gender, free or reduced lunch status, and eligibility for special education.**

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, **including the percentage of students who have dropped out by race, grade, gender, free or reduced lunch status, and eligibility for special education.**

**(21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education.**

**(22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education.**

~~(21)~~ (23) The number of student work permits revoked.

~~(22)~~ The number of student driver's licenses revoked.

~~(23)~~ The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(24)~~ The number of students suspended for any reason.

~~(25)~~ (24) The number of students receiving an international



baccalaureate diploma.

~~(26)~~ **(25)** Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

**(b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced lunch status, and eligibility for special education.**

SECTION 3. IC 20-23-6-9, AS AMENDED BY P.L.113-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) When any:

- (1) school town;
- (2) school city;
- (3) school township;
- (4) joint school; or
- (5) consolidated school;

has become consolidated by resolution or election and the new governing body has been appointed and legally organized, the former school township, school town, school city, joint school, or consolidated school is considered abandoned.

- (b) All school:
  - (1) property;
  - (2) rights;
  - (3) privileges; and
  - (4) any indebtedness;

from the abandoned school is considered to accrue to and be assumed by the new consolidated school corporation.

(c) The title of property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by the new consolidated school corporation. All the privileges and rights conferred by law upon the former:

- (1) school town;
- (2) school city;
- (3) school township;
- (4) joint school; or
- (5) consolidated school;

are granted to the newly consolidated school corporation.

(d) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a township is no longer needed for school



purposes. The governing body shall offer the property as a gift ~~for park and recreation purposes~~ to the township that owned the property before the school was consolidated. **If the property contains a structure that the governing body wishes to demolish, the governing body shall give written notice of the proposed demolition to the township. The township shall, within ninety (90) days after receiving the notice, inform the governing body in writing as to whether the township wishes to retain the structure. If the township wishes to retain the structure, the governing body may not demolish the structure before transferring the property. The township may sell or lease the property to an Indiana nonprofit corporation that is exempt from federal income taxation under Section 501 of the Internal Revenue Code.** If the township board accepts the offer, the governing body shall give the township a quitclaim deed to the property. ~~The deed must state that the township is required to use the property for park and recreation purposes.~~ If the township board refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

(e) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the governing body of a consolidated school corporation. The governing body shall cause the property to be appraised at a fair cash value by:

(1) one (1) disinterested resident freeholder of the school corporation offering the property for sale; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The appraisals shall be made under oath and spread of record upon the records of the governing body. A sale may not be made for less than the appraised value, and the sale must be made for cash. The sale shall take place after the governing body gives notice under IC 5-3-1 of the terms, date, time, and place of sale.

(f) Proceeds from a sale under subsection (e) shall be placed in a capital projects fund of the consolidated school corporation or other fund designated as the fund that is available for capital outlay of the school corporation.

**(g) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a city or town is no longer needed for school purposes. The governing body shall offer the property as a gift to the city or town that owned the property before the school was consolidated. If the property contains a**



structure that the governing body wishes to demolish, the governing body shall give written notice of the proposed demolition to the city or town. The city or town shall, within ninety (90) days after receiving the notice, inform the governing body in writing as to whether the city or town wishes to retain the structure. If the city or town wishes to retain the structure, the governing body may not demolish the structure before transferring the property. If the fiscal body of the city or town accepts the offer, the governing body shall give the city or town a quitclaim deed to the property. If the fiscal body of the city or town refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

SECTION 4. IC 20-27-11-1, AS AMENDED BY P.L.160-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) If a student who attends:

(1) a nonpublic school **located** in a school corporation; **or**

(2) a **charter school located in a rural school corporation;**

resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic **or charter** school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic **or charter** school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic **or charter** school student to and from the nonpublic **or charter** school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic **or charter** school from which the student can walk to and from the nonpublic **or charter** school.

SECTION 5. IC 20-28-3-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.3. **As used in this chapter:**

(1) "culturally responsive methods" refer to methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research based alternatives to exclusionary discipline are appropriate and effective for the students; and

(2) "exclusionary discipline" includes in school suspension, out of school suspension, expulsion, school based arrests, school based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.



SECTION 6. IC 20-28-3-3, AS ADDED BY P.L.246-2005, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The department shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to:

- (1) teach in various environments; **and**
- (2) **successfully apply positive classroom behavioral management strategies and research based alternatives to exclusionary discipline in a manner that serves the diverse learning needs of all students.**

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

SECTION 7. IC 20-28-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.5. The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:**

- (1) **classroom management strategies;**
- (2) **restorative justice;**
- (3) **positive behavioral interventions and supports;**
- (4) **social and emotional training as described in IC 12-21-5-2, IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and**
- (5) **conflict resolution.**





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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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